

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ADAM GARCIA,

Petitioner,

vs.

I. BACA, et al.,

Respondents.

Case No. 3:14-cv-00532-RCJ-WGC

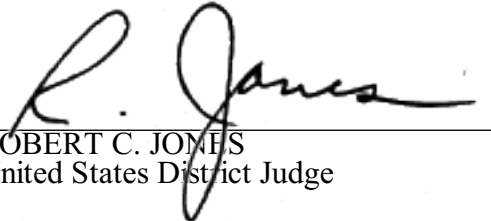
**ORDER**

The court dismissed this action as untimely. Petitioner has filed a motion for reconsideration (#13). To the extent that he repeats arguments that the court already has rejected, the court is not persuaded. Petitioner argues that the court overlooked his argument regarding Martinez v. Ryan, 132 S. Ct. 1309 (2012). Martinez applies only to claims of ineffective assistance of counsel that were procedurally barred by state law. Martinez is inapplicable in this case, because the issue in this case is untimeliness under federal law. Petitioner also argues that the court overlooked his arguments for equity, that Nevada does not follow its own laws. Those arguments were irrelevant to the issue in this case, which again was whether the petition was untimely under the federal statute of limitations, 28 U.S.C. § 2244(d).

To the extent that a certificate of appealability is necessary, reasonable jurists would not find the court's conclusions to be debatable or wrong, and the court will not issue a certificate of appealability.

1 IT IS THEREFORE ORDERED that petitioner's motion for reconsideration (#13) is  
2 **DENIED.**

3 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED.**  
4 DATED: This 12<sup>th</sup> day of February, 2016.

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7 ROBERT C. JONES  
United States District Judge  
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